



USDA Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Template Version 2.09

Required Report - public distribution

Date: 7/31/2004

GAIN Report Number: NL4021

Netherlands

Food and Agricultural Import Regulations and Standards

Country Report

2004

Approved by:

Roger Wentzel
U.S. embassy, The Hague

Prepared by:

Marcel Pinckaers

Report Highlights:

Updated on July 31, 2004. Note all sections of this report have been updated

Includes PSD Changes: No
Includes Trade Matrix: No
Annual Report
The Hague [NL1]
[NL]

Table of Contents

Section I. Food Laws	3
Section II. Labeling Requirements	4
Section III. Packaging and Container Regulations	10
Section IV. Food Additive Regulations	10
Section V. Pesticides and other Contaminants	11
Section VI. Other Regulations and Requirements	12
Section VII. Other Specific Standards	13
Section VIII. Copyright and/or Trademark Laws	15
Section IX. Import Procedures	16

DISCLAIMER: This report has been prepared by the USDA/Foreign Agricultural Service in The Hague, The Netherlands for U.S. exporters of domestic food and agricultural product. While every possible care was taken in the preparation of this report, information provides may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their Dutch customer (importer), who are normally best equipped to research such matters with local authorities, before any goods are shipped. Final import approval of any product is subject to the importing country's rules and regulations as interpreted by border officials at the time of product entry.

Section I. Food Laws

Harmonization within the EU

<http://www.useu.be/agri/harmonization.html>

Regulation 178/2002 sets out the general principles and requirements of EU harmonized food law. The Netherlands, as a member of the EU, conforms to all EU regulations and directives. We therefore recommend that this report is read in conjunction with the Food and Agricultural Import Regulations and Standards (FAIRS) report produced by the US Mission to the EU in Brussels, Belgium – Gain Report Number : E23195

<http://www.fas.usda.gov/scriptsw/attacherep/default.asp>

Exporters should be aware that there may also be some variation among Member States in applying EU harmonized legislation: there may be temporary waivers or exemptions and in certain cases there may be room for interpretation of EU harmonized legislation or aspects which are not regulated in detail at EU level may be handled differently in different member states. In addition, there is a wide variation in inspection fees, registration fees and the time required to evaluate dossiers on products used in the course of the food production process.

The Netherlands

The Dutch Food and Drugs Law is called Warenwet. This Warenwet provides the Dutch regulatory framework for all food and non-food products. It is applicable to domestically produced and imported products. Revisions of the Dutch Food and Drug Law are published in the "Staatscourant". The Food and Drugs Law and revisions can be found on <http://wetten.overheid.nl>. At this website all other Dutch legislation can be found. (NOTE: website is in Dutch)

Through the "Keuringsdienst van Waren" and the "Rijksdienst keuring Vee en Vlees", the Dutch Food and Drug Authority (VWA) has the authority to inspect the trade food stuffs. The Dutch Food and Drug Authority is a part of The Ministry of Agriculture, Nature and Food Quality (www.minlnv.nl).

Voedsel en Waren Autoriteit (VWA)
Postbus 19506
2500 CM Den Haag, The Netherlands
phone: +31- (0)70-4484848
fax: +31- (0)70-4484747
www.vwa.nl
info@vwa.nl

Section II. Labeling Requirements

A General Requirements

1. Scope of Labeling Law

www.useu.be/agri/label.html

General rules on the labeling, presentation and advertising of foodstuffs marketed in the EU are laid down in the Directive 2000/13/EG. This directive consolidates the general labeling directive 79/112/EEC and all its amendments in a single text. It applies to food products intended for sale to the ultimate consumer.

In the Netherlands, the labeling requirements have been laid down in the Warenwetbesluit Etikettering van Levensmiddelen. Again, this decree can be found at <http://wetten.overheid.nl> and is in Dutch. If US exporters need assistance with translation of this legislation please contact the Office of Agricultural Affairs in The Hague.

1.1 Generic Definitions

The Dutch labeling requirements apply to food products at the time when they are for sale for consumers (art. 1:2). In practice, this includes food retail and parts of the food service industry (institutional catering). The labeling requirements for food products sold to the food processing industry and remaining parts of the food service industry (no direct contact with the consumer) are somewhat different (see 6).

1.2 The Description

<http://www.useu.be/agri/label.html>.

The description is the name under which the foodstuff is sold. The buyer understands the nature of the product and its composition.

Warenwetbesluit Etikettering van Levensmiddelen, art. 4

1.3 Listings

1.3.1 Ingredients

<http://www.useu.be/agri/label.html>

The list of ingredients is given, in descending order of weight. Important derogations include compound ingredients, added water/concentrated foods, cheese (see art. 6 of 2000/13/EC).

The following ingredients require a specific statement on the label: GMO's, packaging gases (Directive 94/54/EC) / sweeteners / aspartame & polyols (Directive 96/21/EC) / quinine & caffeine (Directive 2002/67/EC)

Warenwetbesluit Etikettering van Levensmiddelen, art. 6

1.3.2 Net Quantity

<http://www.useu.be/agri/label.html>

The net quantity of prepackaged foodstuffs is expressed in metric units (liter, centiliter, milliliter, kilogram or gram). A small "e" on the label may be used to guarantee that the actual content corresponds to the quantity indicated.

Warenwetbesluit Etikettering van levensmiddelen, art. 11

1.3.3. Other Required Listings

<http://www.useu.be/agri/label.html>

Irradiated products:

Harmonization of EU rules on food irradiation is still at an initial stage and US exporters of irradiated foodstuffs should check individual EU member State legislation for compliance.

In the Netherlands, if the product or the product ingredient has been irradiated, this must be stated by mentioning the word(s) "doorstraald", "door straling behandeld" or "met ioniserende straling behandeld".

Warenwetbesluit Etikettering van Levensmiddelen, art. 4

Quantitative Ingredients Declaration (QUID):

www.useu.be/agri/label.html#QUID

Quantitative ingredients declaration is mandatory in the following cases:

- Where the ingredient or category of ingredients appears in the name under which the foodstuff is sold: e.g. strawberry ice cream - QUID for strawberries; or fruit pie - QUID for total fruit content.
- Where the ingredient or category of ingredients is usually associated with that name by the consumer: e.g. goulash soup - QUID for beef.
- Where the ingredient or category of ingredients is emphasized on the labeling in words (e.g. "made with butter"), pictures (e.g. of a cow to emphasize dairy ingredients) or graphics (different size, color and/or style of print).
- Where the ingredient or category of ingredients is essential to characterize a foodstuff and to distinguish it from similar products.

Warenwetbesluit Etikettering van Levensmiddelen, art. 10

Instruction for storage and/or use:

<http://www.useu.be/agri/label.html>

Any special storage conditions or conditions of use must be supplied if there is a risk for incorrect storage or use.

Warenwetbesluit Etikettering van Levensmiddelen, art. 18

Name and Address of Producer, Packer or Vendor:

<http://www.useu.be/agri/label.html>

The (business) name and address of the manufacturer, packager or vendor established within the Community must be presented.

Warenwetbesluit Etikettering van Levensmiddelen, art. 19

Percentage of Alcohol:

<http://www.useu.be/agri/label.html>

For beverages containing more than 1.2% alcohol by volume, the percentage of alcohol has to be mentioned, "alcohol"/"alc." "% vol". It is advisable to mention the percentage of alcohol in other food products as well.

Warenwetbesluit Etikettering van Levensmiddelen, art. 21

Lot Marking:

<http://www.useu.be/agri/label.html>

Council Directive 89/396/EEC requires that foodstuffs carry a mark identifying the lot to which a foodstuff belongs. It defines "lot" as a batch of sales units of a foodstuff produced, manufactured or packaged under practically the same conditions. The indication to identify the lot should be determined by the producer, manufacturer or packager or by the first seller in the EU. The marking shall be preceded by the letter "L", except in cases when it is clearly distinguishable from other indications on the label. The lot identification is not necessary if the date (day and month) of minimum durability or "use by" date appears in un-coded form on the label. (GAIN E23195)

Warenwetbesluit Etikettering van Levensmiddelen, art. 22

Frozen:

www.useu.be/agri/frozen.html

Council Directive 89/108/EEC lays down rules for quick-freezing foodstuffs and for their packaging and labeling (does not cover ice creams and other edible ices). These rules apply to all quick-frozen foodstuffs intended for supply without further processing to the ultimate consumer and to foodstuffs that need further processing or preparing. In addition to the

requirements specified in the general labeling directive 2000/13/EC, the following indications must be included in the labeling of foodstuffs intended for supply without further processing to the ultimate consumer, restaurants, hospitals, canteens or other similar mass caterers. (see www.useu.be/agri/frozen.html)

If the product is frozen and must be stored frozen in a freezer, the word "Diepvries" must be mentioned near the product name/designation. Additionally, it must mention for what period, at what temperature or in what installation the end user can store the frozen product. Finally it must mention that thawed products may not be frozen again: "na ontdooiing niet opnieuw invriezen."

Warenwetregeling Diepgevroren levensmiddelen, art. 6

Sweeteners:

<http://www.useu.be/agri/label.html>

The use of sweeteners must be mentioned near the product description by the words "met zoetstoffen." If a combination of sugars and sweeteners has been added, the words "met suikers and zoetstoffen" must be mentioned near the product description.

Warenwetbesluit Zoetstoffen, art. 9

Packaged in a Protective Atmosphere:

<http://www.useu.be/agri/label.html>

For foodstuffs whose durability has been extended by means of packaging gases (in conformity with EC council directive 89/107), the words "verpakt onder beschermende atmosfeer" must be included on the label.

Warenwetbesluit Etikettering van Levensmiddelen, art. 22a

Biotech Food and Feed:

<http://www.useu.be/agri/GMOs.html>

The breakdown in the EU's approval process for products made from modern biotechnology has blocked most U.S. exports of corn and hinders trade in other products. Food processors and exporters are either reformulating or seeking non-biotech sources, and the prospect of new mandatory traceability and labeling requirements is causing enormous uncertainty in the feed and seed sectors. Problems exist for both approved products and products currently undergoing the approval process. Biotechnology continues to be more of a political than a scientific issue in Europe and the prospects for improvement remain dim.

For guidelines on labeling products containing biotech ingredients, see

<http://www.useu.be/agri/label.html>

1.4 Placing of Descriptions and Listings

<http://www.useu.be/agri/label.html>

Descriptions and listings have to be placed in such a way they are clearly visible and easily read.

Warenwetbesluit Etikettering van Levensmiddelen, art. 23

2. Specify Languages

<http://www.useu.be/agri/label.html>

The language to be used is Dutch. It is permitted to mention information in other languages as well.

Warenwetbesluit Etikettering van Levensmiddelen, art. 23

3. Standard US Label

<http://www.useu.be/agri/label.html>

The standard US label fails to comply with EU and Dutch labeling requirements. Requirements under Section II have to be met.

4. Stick-on Labels

EU legislation does not contain any reference to the use of stick-on labels. Stick-on labels, in addition to the standard US label, can be used. In this case, the Dutch stick-on label shall meet all Dutch labeling requirements. They can be applied prior to export or applied in the Netherlands before sale.

Warenwetbesluit Etikettering van Levensmiddelen, art. 24

5. Enforcement of Labeling Regulations

<http://www.useu.be/agri/label.html>

The food product must have the correct label before it is sold to the consumer.

Warenwetbesluit Etikettering van Levensmiddelen art. 1.2

6. (1) Sample-size products or (2) Institutional packed products

<http://www.useu.be/agri/label.html>

(1.) For sample-size products the same labeling requirements apply.

Warenwetbesluit Etikettering van Levensmiddelen, toelichting art. 1

(2.) For food products that are for the food service industry (except catering) product packaging does not necessarily have to comply fully with standard labeling requirements. Purchased quantity (i.e. pallet, box, etc) must include the following information: a. the name, b. information on the producer, packer or vendor and c. the shelf life.

Warenwetbesluit Etikettering van Levensmiddelen, art. 24

7. Claims

<http://www.useu.be/agri/label.html>

Medical claims, attributing to a foodstuff the property of preventing, treating or curing human diseases, are explicitly prohibited in the EU general labeling directive. The directive does not provide any guidance on which health claims are allowed and which not.

U.S. exporters and/or Dutch importers can send the text (health claim on the label or in advertising messages) to Koag Kag for approval in the Netherlands.

Keuringsraad Koag Kag

Postbus 90445,

1006 BK Amsterdam, the Netherlands

Phone: +31- (0)20- 7130720

Fax: +31- (0)20- 7130721

e-mail: keuringsraad@koagkag.nl

website: www.koagkag.nl. (Code voor de Aanprijzing van Gezondheids-producten (CAG))

8. (1) Shelf-life or (2) Country-of-Origin Requirements

<http://www.useu.be/agri/label.html>

(1) Date of Minimum Shelf-life/Last day of consumption must be indicated

If the shelf life is influenced by the method of storage, a description of appropriate storage must be mentioned on the label. The statements to be used are the following:

Minimum Durability

Tenminste houdbaar tot:	Day, Month For a shelf-life up to 3 month after the date of packing
Tenminste houdbaar tot einde:	Month, Year For a shelf-life between 3 and 18 months
Tenminste houdbaar tot einde:	Year For a shelf-life longer than 18 months

Use by Date

Te gebruiken tot:	Last day
-------------------	----------

“Warenwetbesluit Etikettering van Levensmiddelen” art. 16 and art. 17

(2) Place of Origin

The place of origin must be mentioned (regional, territorial or topographical) when omitting it misleads the consumer.

“Warenwetbesluit Etikettering van Levensmiddelen” art. 20

9. Exception to Labeling for all intents and Purposes

Only the Minister of Agriculture can grant an exception to the labeling regulations (i.e. containers of food to be processed, labeled or repacked). The granting of an exception would be very rare.

B Requirements Specific To Nutritional Labeling

Nutritional Labeling Requirements

<http://www.useu.be/agri/label.html#Nutrition>

Nutrition labeling rules are laid down in Council Directive 90/496/EEC. Nutrition labeling is not mandatory in the EU unless a nutrition claim is made on the label or in advertising messages. "Nutrition labeling" means any information on the label that relates to energy value and to the following nutrients present in significant amounts: protein, carbohydrate, fat, fibre, sodium, vitamins and minerals. A "nutritional claim" means any representation or advertising that claims a foodstuff has particular nutritional properties, and is only allowed if it relates to the energy value and/or nutrients referred to above.

Warenwetbesluit Voedingswaarde-informatie Levensmiddelen, § 2. voedingswaarde etikettering

Nutrient Content Claims

<http://www.useu.be/agri/partnutr.html>

There are no provisions concerning nutritional claims on an EU level. Dutch provisions exist concerning the following claims:

a. *Energetic Value*

- Low energy value (less than 210 kJ/100g or 100ml) except for soups and drinks (Less than 85 KJ/100ml).
- Reduced energy level (at least 33% lower than that of comparable standard products).

b. *Fat Content*

- Low fat content (less than 5%; must be calculated on a dry matter basis for beverages, soup and milk).
- Reduced fat content (at least 33% lower than that of comparable products).

c. *Protein Content*

- High protein content (at least 20%; should be calculated on a dry matter basis for beverages, soup and milk).
- Elevated protein content (at least 33% higher than that of comparable products).

d. *Polyunsaturated Fatty Acids*

- High level of polyunsaturated fatty acids (at least 60% of the fat, saturated fat not more than 25% of the fat, daily consumption corresponding with at least 5 g of fat).
- Elevated level of polyunsaturated fatty acids (at least 30% and at most 60% of the fat and at least twice the level of comparable products; the level of saturated fat does not exceed the level of polyunsaturated fat and daily consumption must correspond with at least 5 g of fat).
- Low content of saturated fat (saturated fat not more than 25% of total fat, polyunsaturated fat at least 60% of total fat, daily consumption of the product must correspond with at least 5 g of fat).

e. *Sugar Content*

- "suikervrij" (sugar free) or "zonder suiker" (without sugar) (no sugar present, comparable products may contain sugars).
- Reduced sugar level (at least 33% less sugars than in comparable products).
- No sugars added/unsweetened (no sugars, syrups or honey added).

f. *Dietary Fiber Content*

- High dietary fiber content (at least 10% on a dry matter basis for soups, milk products and beverages in the ready-for-use product).
- Elevated dietary fiber content (at least 33% higher than in comparable products).

g. *Sodium Content*

- Low sodium/salt (less than 40 mg sodium per 100 g or 100 ml).
- Reduced sodium/salt (at least 33% less sodium than in comparable products).
- No salt added (no sodium used during manufacturing).

h. Vitamin

- High level of a specific vitamin or mineral: normal daily consumption of the product in question should supply at least 20% of the (Dutch) RDI.

i. Minerals

- High level of a specific vitamin or mineral: normal daily consumption of the product in question should supply at least 20% of the (Dutch) RDI.

Warenwetbesluit Voedingswaarde-informatie Levensmiddelen, art. 8

Health Claims

Medical claims, attributing to a foodstuff the property of preventing, treating or curing human diseases, are explicitly prohibited in the EU general labeling directive. The directive does not provide any guidance on which health claims are allowed and which not.

U.S. exporters and/or Dutch importers can send the text (health claim on the label or in advertising messages) to Koag Kag for approval in the Netherlands.

Section III. Packaging and Container Regulations**Container content**

<http://www.useu.be/agri/packaging.html>

Council Directive 80/232/EEC establishes container sizes for butter, fresh cheeses, salt, sugar, breakfast cereals, pasta, rice, dried fruits and vegetables, coffee, frozen fruits and vegetables, fish fillets, fish fingers, ice-cream, preserved fruits and vegetables and products sold in metal containers.

Requirements on the use of containers in international transport are written down in the International Agreement on Safe Use of Containers. These requirements are translated into the Warenwetbesluit containers.

Packaging Waste Management

<http://www.useu.be/agri/packaging.html>

Decree Verpakkingen en Gebruiksartikelen has been framed as a result of Directives 76/893/EEG. This Decree, together with 2001/62/EG, 2002/17/EG and 2002/16/EG are integrated into the Regeling Verpakkingen- en Gebruiksartikelen.

Materials in Contact with Foodstuffs

<http://www.useu.be/agri/packaging.html>

Council Directive 89/109/EEC specifies the common rules for materials that come into contact with foodstuffs and provides for the adoption of specific directives including lists of authorized substances, conditions of use, migration limits and purity standards.

Regeling Verpakkingen- en Gebruiksartikelen

Section IV. Food Additive Regulations

<http://www.useu.be/agri/additive.html>

Council Directive 89/107/EEC provides for the establishment of EU harmonized positive lists of a wide range of food additives. This Directive is implemented in the Warenwetbesluit Levensmiddelenadditieven. All food additives that are not mentioned in the positive list are prohibited except for those new food additives that are temporarily authorized by Member States. Throughout the years there have been only a few food additives temporarily authorized by the Netherlands. Contact the VWA on this temporarily authorization.

Directive 95/2/EG is implemented in the Warenwetregeling Gebruik van Additieven met uitzondering van Kleurstoffen en Zoetstoffen in Levensmiddelen. The annex of this regulation specifies per product the exact quantity of allowed food additives.

Sweeteners

<http://www.useu.be/agri/additive.html>

European Parliament and Council Directive 94/35/EC governs the use of sweeteners in foodstuffs. This Directive is implemented in the Warenwetbesluit Zoetstoffen.

Colors

<http://www.useu.be/agri/additive.html>

Council Directive 94/36/EG governs the use of colors in foodstuffs. This Directive is implemented in the Warenwetregeling Gebruik van kleurstoffen in levensmiddelen.

Miscellaneous Additives

European Parliament and Council Directive 95/2/EC, last amended by Directive 2003/114/EC, governs the use of so-called miscellaneous additives other than colors and sweeteners in foodstuffs. This Directive is implemented in the Warenwetregeling Gebruik van Additieven met Uitzondering van Kleurstoffen en Zoetstoffen in Levensmiddelen.

Section V. Pesticides and other Contaminants

Pesticides

<http://www.useu.be/agri/pesticides.html>

Directives 91/414/EEG and 98/8/EG are implemented in the Bestrijdingsmiddelenwet 1962. This law details all requirements on the use of pesticides on foodstuffs. Detailed information on the composition, packing and labeling of pesticides can be found in the Regeling samenstelling, indeling, verpakking en etikettering bestrijdingsmiddelen and in the Bestrijdingsmiddelenregeling.

MRLs apply to domestic produced products and imported products. The harmonization of MRLs was initiated in 1976 due to trade problems between the European Union member states 76/895/EEC. The following directives give the Maximum Residue Levels (MRL) for the various products;

Council Directive 86/362/EEC, as amended, establishes MRLs for pesticides in cereals and cereal products.

Council Directive 86/363/EEC, as amended, establishes MRLs for pesticides in products of animal origin.

Council Directive 90/642/EEC, as amended, establishes MRLs for pesticides in products of plant origin, including fruits and vegetables.

Compounds for which there is no trading standard or a harmonized MRL remain subject to Member State legislation. If there is no EC legislation in place but there is a national MRL for a specific pesticide/commodity combination in the importing Member State and the product being imported into that country conforms with it, then the product can be marketed in that country. For the Netherlands, the MRLs for the various products is updated quarterly and can be found on <http://www.rikilt.wageningen-ur.nl/vws/index.html>. It is expected that in about three years time all MRLs will be harmonized in the EU.

The large majority of the MRLs that are set in the 'Decree on Residue of Pesticides' are direct implementations of the EU MRLs. For the few national MRLs, The Board for the Authorization of Pesticides (CTB) evaluates data and proposes MRLs. Ministry of Health is responsible (after consulting the Ministry of Agriculture) for establishing MRLs and implementing in the legislation.

There is a strong need to globally harmonize residue tolerances. This is done by the Codex Alimentarius Commission. The Codex Committee on Pesticide Residues (CCRP) advises the Commission on the tolerances. The recommendations from the Joint Meeting on Pesticide Residue (JMPR) form the base of the decision making within Codex. Past years, for about 190-compounds Codex tolerances have been developed. In the context of WTO, the Codex standard is recommended as a reference norm.

For more information:

Ministry of Health, Welfare and Sport
2500 EJ The Hague, The Netherlands
www.minvws.nl

Section VI. Other Regulations and Requirements

Animal Products

<http://www.useu.be/agri/certification.html>

European Community is in the process of harmonizing legislation on imports of animal products. This is a three-layer process that starts with the recognition of a country to export a certain animal product. The U.S. is recognized by the EU for nearly all animal products.

In a second stage, lists of E.U. approved establishments are drawn up in recognized countries. Various U.S. agencies, including FSIS, APHIS, AMS, and FDA are involved in the listing process. Depending on the commodity, establishments are subject to E.U. inspections prior to listing and/or to occasional E.U. audits after listing. Until now, the following products have to be sourced from EU approved establishments: meat products, red meat, wild game meat, farmed game meat, ratites, milk & milk products, animal casings, gelatin, bovine embryos, bovine semen, porcine semen, equine semen and seafood.

The third level is the requirement that all shipments be accompanied by animal health and/or public health certificates signed by U.S. officials to guarantee that individual lots or shipments of products meet Community requirements.

For other products the Community has not yet completed "harmonization" of import requirements. In these cases import regulations are still under the control of the individual Member States. This often results in the 25 Member States maintaining different separate sets of lists of third countries, lists of establishments, certificate requirements, and inspection programs. For these products, please contact the FAS office in The Hague.

Processed Foods with Animal Products

<http://www.useu.be/agri/foodcertif.html>.

Plain animal products imported into the EU need animal or public health certification. For processed foods containing animal products, the situation is more complicated because there is no legislation specifying the percentage of dairy, egg, red meat or poultry meat that a foodstuff must contain to necessitate certification. A summary of the Commission's position on foodstuffs containing animal products can be found on <http://www.useu.be/agri/foodcertif.html>

Plant Products

<http://www.useu.be/agri/plantcertif.html>

Dutch import regulations on plant products fully comply with EU legislation. Phytosanitary certificates, issued by APHIS, have to accompany fruit, vegetable and nut shipments to the EU.

For more information, please contact:

ANIMAL AND PLANT HEALTH INSPECTION
SERVICE (APHIS)

PPQ

Export Certification Unit Port Operations Staff

4700 River Road Unit 140

Riverdale MD 20737-1236

Phone: (301)-734-8453

Fax: (301)-734-5786

Plantenziektkundige Dienst (PD)

Ministry Agriculture, Nature and Food Quality

Geertjesweg 15

Postbus 9102

6700 HC Wageningen

Phone: +31-(0)317-496911

Fax: +31-(0)317-421701

www.minlnv.nl/pd

EUREPGAP

<http://www.useu.be/agri/plantcertif.html>

Several Dutch retailer organizations, like Laurus and Albert Heijn, request EUREPGAP certification from their suppliers of fresh fruits and vegetables starting on January 1, 2004. Currently there are discussions to introduce EUREPGAP certifications for suppliers of meat, seafood, eggs and dairy products as well. For more information see GAIN report E23187 and www.eurep.org.

Section VII. Other Specific Standards

Genetically Modified Foods (GMOs)

<http://www.useu.be/agri/GMOs.html>

The breakdown in the EU's approval process for products made from modern biotechnology has blocked most U.S. exports of corn and hinders trade in other products. Food processors and exporters are either reformulating or seeking non-biotech sources, and the prospect of new mandatory traceability and labeling requirements is causing enormous uncertainty in the feed and seed sectors. Problems exist for both approved products and products currently undergoing the approval process. Biotechnology continues to be more of a political than a scientific issue in Europe and the prospects for improvement remain dim.

Novel Foods

<http://www.useu.be/agri/novelfood.html>

The Novel Food Regulation (European Parliament and Council Regulation 258/97) lays down detailed rules for the authorization of novel foods and novel food ingredients. It defines novel foods as foods and food ingredients that were not used to a significant degree in the EU before May 15, 1997, which fall into the following specific categories:

- ♦ with a new intentionally modified primary molecular structure, or
- ♦ consisting of or isolated from plants or animals, except for foods and food ingredients obtained by traditional propagating or breeding practices with a history of safe use, or
- ♦ to which a production process not currently used has been applied, where that process changes the composition or structure of the food or food ingredient significantly

Warenwetbesluit Nieuwe Voedingsmiddelen

Dietetic or Special Use Foods

<http://www.useu.be/agri/partnutr.html>

Council Directive 89/398/EEC is a framework directive laying down rules for foodstuffs intended for particular nutritional uses. Foodstuffs for particular nutritional uses are foodstuffs which, due to their special composition or manufacturing process, can clearly be distinguished from foodstuffs for normal consumption.

Commission Directive 2001/15/EC lists the chemical substances in each category of nutritional substances (vitamins, minerals and amino acids) that may be added for specific nutritional purposes in foodstuffs for particular nutritional uses.

Warenwetbesluit Producten voor Bijzondere Voeding

Wine, Beer and Other Alcoholic Beverages

<http://www.useu.be/agri/wine.html>

The U.S. and the EU are in the process of negotiating a bilateral agreement on wine. Exports of U.S. wine to the EU continue under derogations permitting certain U.S. oenological practices, which would otherwise be prohibited. The derogation for U.S. wine making practices and certification was set to expire in December 2003 ([Council Regulation 1037/2001](#)). On December 17, 2003, the EU Agriculture Council approved a two-year extension to the U.S. derogation on wine-making practices, until December 31, 2005 at the latest or until the entry into force of a bilateral agreement ([Council Regulation 2324/2003](#)). Two additional derogations on labeling ([Commission Regulation 2303/2003](#)) and documentation ([Commission Regulation 2338/2003](#)) were also extended until December 31, 2005 (also see [GAIN report E23247](#)).

Organic Foods

<http://www.useu.be/agri/organic.html>

[Council Regulation 2092/91](#) (consolidated text - last updated 12/23/2003) on organic products covers the following requirements and definitions:

- production and processing methods
- labeling and marketing
- inspection
- imports from third countries

It was supplemented by [Regulation 1804/99](#) to include livestock production. The term "organic" may only be used for product conforming to these regulations. The translation of the term "organic" in the 11 official EU languages can be found under article 2 of [Regulation 2092/91](#).

Organic Agriculture, Quality and Production Method

While organic standards have been set at the E.U. level, implementation and enforcement of the regulation is the responsibility of the individual member states. This member state responsibility also extends to imports of organic products. In order to import U.S. organic products, Dutch importers must work through LASER to obtain an import authorization.

Ministry of Agriculture, Nature and Food Quality

[Landelijke Service bij Regelingen](#)

LASER

Laan van Nieuw Oost Indie 131

Postbus 20401

2500 EK The Hague

Phone: +31- (0)800-2233322

Fax: +31- (0)79-3786139

Vertical Legislation

<http://www.useu.be/agri/vertic.html>

Products covered by vertical legislation are:

- Cocoa and chocolate products [Directive 2000/36/EC](#)
- Sugars [Directive 2001/111/EC](#)
- Honey [Directive 2001/110/EC](#)
- Fruit juices and similar products [Directive 2001/112/EC](#)
- Preserved milk [Basic Directive: 76/118/EEC](#)
- Coffee extracts and chicory extracts [Directive 1999/4/EC](#), [Directive 2001/54/EC](#)
- Fruit jam, jellies, marmalades, and chestnut puree [Directive 2001/113/EC](#) (amended by [Directive 2004/84/EC](#))

Animal Products

Beef: <http://www.useu.be/agri/label.html>

Egg: <http://www.useu.be/agri/label.html>

Fruit and Vegetables

<http://www.useu.be/agri/Fruit-Veg.html>

Imports into the EU of fresh fruit and vegetables are checked for compliance with EU-harmonized marketing standards. These standards apply at all marketing stages and include criteria such as quality, size, labeling, packaging and presentation.

Seafood

<http://www.useu.be/agri/seafood2.html>

The main elements of the EU's Common Market Organization for Fishery and Aquaculture Products are:

- marketing standards (quality, packaging and labeling)
- producers' and interbranch organizations
- price support system
- imports from third countries

Directives 91/492/EEC and 91/493/EEC, as amended, lay down health conditions for domestic and third country production and set standards for handling, processing, storing and transporting bivalve mollusks and fish.

Section VIII. Copyright and/or Trademark Laws

Copyright

<http://www.useu.be/agri/commu.html>

The Netherlands and the U.S. are both members of the Universal Copyright Convention of Geneva. As a consequence, works by U.S. authors, copyrighted in the U.S., are also protected in the Netherlands.

Trademarks

<http://www.useu.be/agri/commu.html>

Trademark registration in the Netherlands is based on Benelux legislation. Registration can be obtained for all 3 Benelux countries (Belgium, Netherlands and Luxembourg) through one process. Applications for trademark registration in the Benelux can be sent to:

Benelux Merkenbureau (Benelux Trademark Office)

Bordewijklaan 15

2591 XR The Hague, The Netherlands

phone +31-(0)70-3491111.

In the Benelux countries, an international trademark can also be registered, as regulated by the Treaty of Madrid.

Since 1996, it has been possible to register Community trademarks in the European Union. The Community trademark was created by Council Regulation 40/94 and implemented by Commission Regulation 2868/95. This regulation creates a single, unified registration system covering the whole Community territory. An application for a Community trademark is filed either directly at the Harmonization Office or at a national industrial property office in a member state of the European Union.

Office for Harmonization in the Internal Market
Avenida de Aguilera, 20
03080 Alicante
Spain
Tel. +34-(0)96-5139333

Section IX. Import Procedures

<http://www.useu.be/agri/import.html>
<http://www.useu.be/agri/customs.html>
<http://www.useu.be/agri/tarreduc.html>
<http://www.useu.be/agri/taric.html>

Council Regulation 2913/92 establishes the Community Customs Code. The Code lists all the customs procedures applicable to the trade in goods with third countries. Import duties are determined by the tariff classification of goods and by the customs value. With the implementation of the Code, the 25 member states of the European Union form a customs union, meaning that all member states apply the same tariff on goods imported from outside the EU. Once an imported good is cleared in one member state, it can move freely throughout the EU.

A list of VAT rates applicable in the different member states can be found on the Internet at http://europa.eu.int/comm/taxation_customs/publications/info_doc/taxation/tva/taux_tva-2002-5-1en.pdf.

A list of excise duties applicable on alcoholic beverages and tobacco can be found at http://europa.eu.int/comm/taxation_customs/publications/info_doc/taxation/c4_excise_tables.pdf.

Customs Clearance

Dutch importers customarily handle all import procedures. Goods can only be cleared if the required shipping documents are available and relevant costs (custom duty, taxes) are paid. Clearance is carried out by the Dutch customs. Some US products may require import licenses or health certificates, as outlined in Section VI. In harbors, airports and major cities sufficient warehouse facilities are present for customs storage. Dutch retailers and food service companies generally buy non-EU products through importers. They have experience in their product/market combination, which enables them to clear customs quickly. More info on the Dutch customs offices can be obtained at <http://www.belastingdienst.nl/9229237/v/e-index.htm>

The entire customs clearance procedure is rapid, provided the U.S. exporter has furnished all necessary documentation. Also, it is recommended that the exporter be fully aware of the necessary shipping documents required for their product. A full listing of these requirements is not readily available. Exporters should contact their importer, or contact the USDA Office of Agricultural Affairs in The Hague:

Office of Agricultural Affairs
U.S. Embassy
Lange Voorhout 102
2514 EJ The Hague
Tel: +31-(0)70-3109299
Fax: +31-(0)70-3657681
Email: agthehague@usda.gov